

Notice of Allowability

Application No.

09/830,966

Examiner

Corey P Chau

Applicant(s)

BERKHOFF ET AL.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 01 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/03/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Beniot Castel on February 3, 2005.

3. The application has been amended as follows:

Specification:

Page 1, after line 1, add header --FIELD OF THE INVENTION--

Page 1, after line 12, add header --BACKGROUND OF THE INVENTION--

Page 2, after line 14, add header --BRIEF SUMMARY OF THE INVENTION--

Page 3, after line 24, add header --BRIEF DESCRIPTION OF THE
DRAWINGS--

Page 3, before line 25, add header --DETAILED DESCRIPTION OF THE
INVENTION--

Claim 1:

In line 5, "the total amount of noise" has been changed to --a total amount of
noise--

In line 10, "the distance" has been changed to --a distance--

Claim 2:

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In line 1, "(5a(i), 5b(i))" has been changed to "--(5a(i), 5b(i))--"

Claim 3:

In line 2, "the number of sensors" has been changed to "--the plurality of sensors--"

In lines 2 and 3, "the number of actuators" has been changed to "--the plurality of actuators--"

In line 3, "the number of controllers" has been changed to "--the plurality of controllers--"

Claim 4:

In line 1, "Arrangement to" has been changed to "--Arrangement according to--"

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: none of the prior art discloses first and second surfaces are arranged at such a mutual distance that the reduction of power RP is within the following range:

$$0.9 \times RP_{\max} \leq RP \leq RP_{\max}$$

in which RP_{\max} is maximum obtainable reduction in power of the total amount of noise relative to the primary noise at an optimum distance between said first and second surfaces as established by testing, where both RP and RP_{\max} are expressed in decibel, the plurality of actuators being arranged in rows and columns, mutual distances between adjacent columns and mutual distances between adjacent rows being equal to

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a predetermined actuator distance d_x , the plurality of sensors being arranged in the same way as the plurality of actuators, the distance d between the first and the second surfaces meeting the following condition:

$$0.5 \times d_x \leq d \leq d_x.$$

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703)305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 3, 2005



SINH TRAN
SUPERVISORY PATENT EXAMINER